

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Donald J. Hawkins,	:	
Petitioner	:	2:07-mc-00018
v.	:	Judge Frost
United States of America,	:	Magistrate Judge Abel
Respondent	:	

Order

Petitioner Donald J. Hawkins, a prisoner at FCI-Beckley, brings this petition asking the court to construe 18 U.S.C. § 3742(a). He apparently intends to file a pro-ceeding later challenging his sentence. This matter is before the Court on Magistrate Judge Abel's June 18, 2007 Report and Recommendation on preliminary consideration under Rule 4, Rules Governing Section 2255 Cases in United States District Courts.

The Report and Recommendation recommended that the petition be dismissed for failure to state a claim and, in the alternative, for failure to file the petition within the one-year period of limitation created by 28 U.S.C. § 2244(d)(1). No objections have been filed. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation.

The Clerk of Court is DIRECTED to enter JUDGMENT dismissing the petition for failure to state a claim and, in the alternative, for failure to file the petition within the one-year period of limitation created by 28 U.S.C. § 2244(d)(1).

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge